

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

JUSTIN BARKER

Plaintiff,  
v.

LOUISIANA SCHOOL FOR MATH  
SCIENCES & THE ARTS.

Defendant.

CASE NO. 1:21-cv-04419

JUDGE DRELL  
MAGISTRATE JUDGE PEREZ-MONTES

**AFFIDAVIT OF DR. STEVEN HORTON**

STATE OF LOUISIANA

PARISH OF NATCHITOCHES

BEFORE ME, the undersigned authority, personally came and appeared Dr. Horton, who, being duly sworn did depose and state:

1. He is the Executive Director at the Louisiana School for Math Sciences and the Arts.
2. A true and correct copy of the LSMSA Policy on Sexual Harassment – Title IX, which was in effect in the Spring of 2020, is attached hereto as Exhibit F-1.



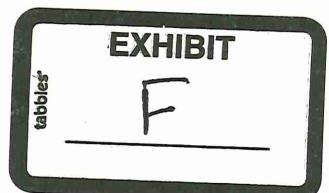
DR. STEVEN HORTON

SWORN TO AND SUBSCRIBED before me, this 25<sup>th</sup> day of July 2023.



NOTARY SIGNATURE

William Drake Owens  
Bar Roll # 39735



## **Sexual Harassment - Title IX Policy**

*Last Revision Date 7/18/2018*

- A. The Governing Board of the Louisiana School for Math, Science and the Arts (LSMSA) states that LSMSA does not discriminate on the basis of sex in its education programs and activities and, accordingly, requires its staff, employees and students to abide by the requirements of Title IX of the Educational Amendments of 1972 and its implementing regulations.
- B. Sexual harassment or sexual misconduct are forms of sex discrimination and are explicitly prohibited, whether such conduct occurs on or off campus, during or after school hours, during or directly related to school-sponsored activities, or at a time and/or place directly related to school functions or an employee's school-related duties.
- C. It is the intent of the LSMSA to maintain an environment free from sexual harassment or sexual misconduct including peer-on-peer sexual harassment, relationship violence, non-consensual sexual conduct, sexual assault of any kind, dating violence; therefore, this policy commands that no student shall be subjected to sexual harassment or sexual misconduct by other students or LSMSA staff or employees.
- D. This policy shall be enforced, and the accompanying procedures shall be implemented regardless of whether a complaint has been filed with or an investigation has been instituted by any law enforcement agency.
- E. Questions regarding Title IX may be referred to the U. S. Department of Education, Office of Civil of Civil Rights (OCR) or to LSMSA's Title IX Coordinator.

The Title IX Coordinator for the Louisiana School for Math, Science, and the Arts is:

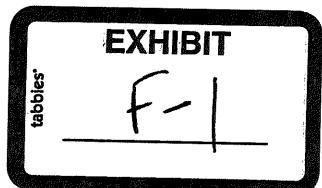
John Allen, MPA  
Chief of Staff and Director of Administration  
715 University Parkway Natchitoches, LA 71457  
318-357-2510  
T9coordinator@lsmsa.edu

## **Title IX Regulations**

### **I. Definition of Sexual Harassment**

- A. Sexual harassment means any harassment or misconduct based on someone's sex or gender. It includes harassment or misconduct that is not sexual in nature, for example, offensive remarks about an individual's sex or gender.
- B. Sexual harassment or sexual misconduct may include, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, graphic or physical conduct of a sexual nature when at least one (1) of the following occurs:
  1. Submission to such conduct is made, either implicitly or explicitly, a term or condition of the student's grades, academic status, or progress or is used to deprive the student of access to the educational opportunities and benefits provided by LSMSA.
  2. Submission to or rejection of such conduct is used as the basis for academic or other school-related decisions affecting the student.
  3. Such conduct has the purpose or effect of unreasonably interfering with the student's academic performance or of creating an intimidating, hostile, or offensive educational environment for the student.
  4. Creating a hostile environment based on sex by persistent or pervasive conduct or by a single severe episode. Sexual violence, including rape, sexual assault and dating violence, are forms of sexual harassment. In addition, the following conduct may violate this Policy:

- a. Sexual advances, whether or not they involve physical touching;



- b. Commenting about or inappropriately touching an individual's body;
- c. Lewd or sexually suggestive comments, jokes, innuendoes, gestures; or
- d. Stalking.

C. Retaliation of any nature against any student or employee who makes a report or complaint or who participates in any investigation under this policy is a serious violation of the School Board's sexual harassment policy. Such retaliation is considered an act of sexual discrimination itself; therefore, reports and complaints of such retaliation are handled in the same manner as those of sexual harassment. All references to "sexual harassment" in this policy and the related procedures shall also include retaliation.

## II. Reporting

- A. Students and employees are encouraged and expected to immediately report incidences of alleged sexual harassment or sexual misconduct and/or retaliation of students in accordance with these regulations and procedures.
- B. A report or complaint of an alleged violation of this policy must be sufficiently clear and explicit so that it can be recognized as a legitimate report of sexual harassment, sexual misconduct, or retaliation. This means that a report or complaint must, at a minimum, include: (1) a description of an alleged act of sexual harassment, sexual misconduct, or retaliatory conduct, including the date(s), time(s), and place(s) it is alleged to have occurred; (2) identity of the alleged victim; (3) identity of the alleged harasser; and (4) identity of the reporting person.

In cases of sexual misconduct or relationship violence, it is critical that the Complainant preserve evidence because doing so may assist in proving that the alleged behavior occurred and/or may be helpful in obtaining a protective order.

A LSMSA student who has reason to believe that an incident of sexual harassment or sexual misconduct involving him or her or another student has occurred may make a verbal or written report to any LSMSA faculty member, counselor, staff member or administrator or to the Title IX Coordinator.

Once an LSMSA employee receives a verbal or written report of a possible violation of the LSMSA Sexual Harassment Policy involving a student from a student or otherwise learns of a possible violation, the employee must complete a written report form and provide it to the Title IX Coordinator as soon as possible, ***but no later than 24 hours from receipt of the report from the student.*** It is imperative that all such reports remain confidential. Failure to make such report may result in disciplinary action against the employee, up to and including possible termination.

Any LSMSA employee who has reason to believe that sexual discrimination and/or harassment has occurred involves another employee must immediately make a verbal or written report of alleged incidences of sexual harassment or sexual misconduct to the Title IX Coordinator.

- C. All alleged violations of this policy shall be handled seriously and investigated by the Title IX Coordinator or designee according to these regulations and procedures.
- D. LSMSA and the Title IX Coordinator will protect the confidentiality of the Complainant, Respondent and other necessary parties by keeping all complaints and investigations private to the extent possible and will only disclose on a "need to know" basis. LSMSA expects that all individuals involved in the enforcement of this Policy will do the same. Notwithstanding, the

Complainant and the Respondent are not restricted from discussing and sharing information with others who may support or assist them in the Investigation Process.

If the Complainant requests anonymity, LSMSA will strongly consider the Complainant's request. However, in certain circumstances, LSMSA may not be able to grant the Complainant's request due to a range of factors, including when there is a risk of imminent harm to an individual or others or a threat to the health and safety of the LSMSA community. In cases where the Complainant's request is granted, LSMSA will continue to complete publicly available recordkeeping in accordance with relevant laws, including FERPA and Louisiana law reporting and disclosures, without the inclusion of personally identifying information about the Complainant.

LSMSA will maintain, as confidential, any accommodations or protective measures provided to the Complainant, to the extent that maintaining such confidentiality does not impair the ability of the LSMSA to provide the accommodations or protective measures. LSMSA will protect the confidentiality of the Complainant, Respondent and other necessary parties by keeping all complaints and investigations private to the extent possible and will only disclose on a "need to know" basis. LSMSA expects that all individuals involved in the enforcement of this Policy will do the same. Notwithstanding, the Complainant and the Respondent are not restricted from discussing and sharing information with others who may support or assist them in the Investigation Process.

If the Complainant requests anonymity, LSMSA will strongly consider the Complainant's request. In cases where the Complainant's request is granted, LSMSA will continue to complete publicly available recordkeeping in accordance with relevant laws, including FERPA and Louisiana law regarding reporting and disclosures, without the inclusion of personally identifying information about the Complainant.

**E. Discipline/Consequences**

1. Any student who is determined because of the Title IX investigation to have engaged in sexual harassment, sexual misconduct, or retaliation against another individual in violation of this policy may be subject to disciplinary action, up to and including expulsion
2. Any employee who is determined because of the Title IX investigation to have permitted, engaged in, or failed to report sexual harassment, sexual misconduct or retaliation involving students in violation of this policy and the related procedures may be subject to disciplinary action, up to and including termination.

**F. Regarding the involvement of law enforcement, the Complainant has the following options: (1) to notify proper law enforcement authorities, including local police; (2) to be assisted by LSMSA staff and Northwestern campus authorities in notifying law enforcement authorities if the Complainant chooses; or (3) to decline to notify such authorities. The Complainant's choice to report to law enforcement will not impact the implementation of accommodations and/or protective measures if applicable.**

**III. Enforcement**

- A. Each faculty member and staff member has the responsibility of taking such reasonable steps necessary and practicable to maintain a work environment and educational environment free of sexual harassment or sexual misconduct. Such steps shall include implementation of the following:

1. All faculty members, other staff members, and all employees shall cooperate, as needed, in the formal and informal investigations instituted by the Title IX Coordinator under this policy.
2. All administrators and staff in charge of discipline of students shall, in accordance with policy and law, take such disciplinary action against any student found by the Title IX investigation to be in violation of the sexual harassment policy as may be appropriate under the circumstances.
3. Within the first week of school each school year, the Executive Director shall ensure that an in-service program addressing the sexual harassment or sexual misconduct policy and procedures is provided for all faculty, staff and employees.
4. During orientation at the beginning of each school year or at the time of a new student's mid-year enrollment, the Executive Director shall ensure that instruction about sexual harassment or sexual misconduct, the LSMSA policy, and its procedures are provided to students.
5. Faculty members, counselors, and administrators shall instruct students on the sexual harassment or sexual misconduct report and complaint procedures within the educational setting on an as-needed basis.
6. The Executive Director shall ensure that the sexual harassment or sexual misconduct policy and procedures are provided to all students, parents, and employees by:
  - a. Including a restatement of the policy and procedures in the student handbook;
  - b. Posting an age-appropriate restatement of the policy against sexual harassment, the report and complaint procedures, and notice of the Title IX Coordinator at visible and accessible sites for students, for parents, and for employees;
  - c. Making a copy the complete policy and procedures available on request for students, parents, and employees; and
  - d. Maintaining the policy and procedures on the LSMSA website.
7. The Title IX Coordinator, or designee, will provide for an adequate, reliable and impartial investigation of all complaints, which will include: interviews with the Complainant, the Respondent and any relevant witnesses; a review of any other relevant evidence; an equal opportunity for the parties to present witnesses and other evidence and equal access to information being considered in investigation (in accordance with the Family Educational Rights and Privacy Act).
8. LSMSA may provide interim measures, such as counseling, academic assistance, and no-contact orders, to protect, support or provide for the safety of the Complainant and the campus community during the Title IX Coordinator's investigation. Requests for interim measures may be made by or on behalf of the Complainant to the Title IX Coordinator or designee. The Title IX Coordinator or designee will be responsible for the implementation and coordination of interim measures. Interim measures will not disproportionately impact the Complainant and are available even if the Complainant does not report or continue to pursue a complaint.

If requested by the Complainant, LSMSA will promptly implement a one-way no contact order (with the burden of no contact on the Respondent) if the Title IX Coordinator has made a finding of responsibility under this Policy. If requested, LSMSA will assist the Complainant in obtaining orders of protection, restraining orders or similar lawful orders issued by a criminal, civil or tribal court.

LSMSA may provide interim measures for the Respondents where reasonable and appropriate under the circumstances as determined by the Title IX Coordinator or designee

9. The Complainant and the Respondent will receive simultaneous notification, in writing, of the result of the Title IX Coordinator's investigation.
10. The Title IX Coordinator's investigation report will be provided when a student or students are determined to have violated this Policy to the appropriate LSMSA staff in accordance with the provisions of the Student Handbook to administer any punitive measures. In the event an employee is determined to have violated this Policy, the report will be provided to the Executive Director for such actions as appropriate.

**B. Special Situations**

1. An employee must immediately notify the Title IX Coordinator or designee when he/she becomes aware of graffiti on any school property which is vulgar, sexually offensive, or suggestive of sexual harassment. The Title IX Coordinator or designee shall determine (1) whether the graffiti is sufficient to constitute a report of sexual harassment and, if so, have a report form completed by the appropriate party and institute the informal investigation procedure; and/or (2) whether a photographic or other record of the graffiti should be made and, if so, shall retain such documentation in a specific file in the Executive Director's office. In any event, such graffiti shall be immediately covered, if possible, and removed as soon as possible thereafter.
2. An employee must immediately notify the Title IX Coordinator/designee when the employee has cause to believe that a student or employee has accessed, on a personal or school-owned computer on campus or off campus during a school-related activity, an Internet and online site that is reasonably believed to be sexually obscene or to otherwise contain sexually harassing content. (See La.Rev.Stat. 17:100.7) The Title IX Coordinator/designee shall determine whether such report constitutes a report of sexual harassment and, if so, shall have a report form completed by the appropriate party and institute the informal investigation process.
3. Any LSMSA employee who has reason to believe that a sexual offense has occurred under Louisiana law or that constitutes prohibited sexual conduct between an educator and a student must immediately report such information to the Title IX Coordinator who will file a report with the appropriate local or state law enforcement agency. Failure to make such report may result in disciplinary action against the employee, up to and including possible termination.

**REPORT OF TITLE IX VIOLATION**

Report No. \_\_\_\_\_

Name of Reporting Person \_\_\_\_\_  
(check one) \_\_\_\_\_ student \_\_\_\_\_ parent/guardian \_\_\_\_\_ employee \_\_\_\_\_ other/\_\_\_\_\_

Basis for Report (check one) \_\_\_\_\_ Information from student/name: \_\_\_\_\_  
Information from non-student/name: \_\_\_\_\_  
Personal knowledge

Name(s) of Alleged Victim(s) \_\_\_\_\_

Name(s) of Alleged Harasser(s) \_\_\_\_\_

Name(s) of Alleged Witness(es) \_\_\_\_\_

Description of Alleged Sexual Harassment/Retaliation (Must include specific act(s), circumstances, date, time, and other details known which give cause to believe that sexual harassment and/or retaliation has occurred. Separate written statement may be attached.)

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Additional Information (Should include all other information known which may assist in investigation of report, such as how and when reporting party/source learned of reported facts, above, names of other persons who may have related information, etc. Separate statement may be attached.)

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Signature of Reporting Person \_\_\_\_\_ Phone No. \_\_\_\_\_

Date Submitted \_\_\_\_\_ Time Submitted \_\_\_\_\_ Email \_\_\_\_\_

Signature of Title IX Coordinator \_\_\_\_\_ Date/Time Received \_\_\_\_\_

**NEXT STEP: STEP 1 INVESTIGATION**

**COMPLAINT OF TITLE IX VIOLATION**

Complaint No. \_\_\_\_\_

Name of Alleged Victim \_\_\_\_\_

Complaint Filed By (check one)  Alleged Victim/Student

Parent/Guardian/name: \_\_\_\_\_

Other/name: \_\_\_\_\_

Name(s) of Other Alleged Victim(s), if any \_\_\_\_\_

Name(s) of Alleged Harasser(s) \_\_\_\_\_

Name(s) of Alleged Witness(es) \_\_\_\_\_

Date of Alleged Sexual Harassment/Retaliation \_\_\_\_\_  
(If complaint not filed by alleged victim, state date of discovery of alleged conduct by filing party)

Description of Alleged Sexual Harassment/Retaliation (Must include specific act(s), circumstances, date/time, other details supporting complaint. Separate statement may be attached.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Additional Information (Should include all other information known which may assist in investigation, such as how and when complainant learned of reported facts, names of other persons who may have related information, etc. Separate statement may be attached.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Complainant \_\_\_\_\_ Phone No. \_\_\_\_\_

Date Submitted \_\_\_\_\_ Time Submitted \_\_\_\_\_ Email \_\_\_\_\_

Signature of Staff Member \_\_\_\_\_ Date/Time Received \_\_\_\_\_

Signature of Title IX Coordinator \_\_\_\_\_ Date/Time Received \_\_\_\_\_

**NEXT STEP: STEP 2 INVESTIGATION**